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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VASUDEVAN SOFTWARE, INC.,

Plaintiff,

v.

MICROSTRATEGY INC.,

Defendant.

Case No. 11-CV-06637-RS-PSG

**JOINT STIPULATION OF DISMISSAL
OF DECLARATORY JUDGMENT
COUNTERCLAIMS**

WHEREAS, Vasudevan Software, Inc. (“VSi”) filed its complaint against MicroStrategy Inc. (“MicroStrategy”) on December 23, 2011 (Dkt. 1);

WHEREAS, MicroStrategy filed its Answer and Counterclaims on March 20, 2012, including four counterclaims for declaratory judgment of invalidity of U.S. Patent Nos. 6,877,006, 7,167,864, 7,720,861, and 8,082,268 and one counterclaim for declaratory judgment of inequitable conduct (Dkt. 50);

WHEREAS, VSi filed its Answer to MicroStrategy’s Counterclaims on April 24, 2012 (Dkt. 61);

1 WHEREAS, MicroStrategy's counterclaims for a declaratory judgment of invalidity and
2 inequitable conduct remain pending;

3 WHEREAS, MicroStrategy moved for attorneys' fees on May 26, 2015 (Dkt. 348);

4 WHEREAS, during the hearing on MicroStrategy's motion for attorneys' fees held on July
5 23, 2015, the Court indicated that it may not rule on MicroStrategy's motion for attorneys' fees
6 until the parties resolved MicroStrategy's counterclaims for declaratory judgment of invalidity and
7 inequitable conduct;
8

9 WHEREAS, under Fed. R. Civ. P. 41(a)(1)(A)(ii) and 41(c), MicroStrategy may dismiss
10 its counterclaims for a declaratory judgment of invalidity and inequitable conduct without a court
11 order by filing a stipulation of dismissal signed by all parties who have appeared;
12

13 THEREFORE, IT IS HEREBY STIPULATED by and between the parties hereto, by and
14 through their respective counsel, that MicroStrategy dismisses without prejudice its counterclaims
15 for declaratory judgment of invalidity and inequitable conduct.
16

17 Dated: August 6, 2015

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18 By: /s/ Kevin A. Smith

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27 Dated: August 6, 2015

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28 By: /s/ Eric Enger

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ORDER

Based on the foregoing stipulation, and for good cause shown,

IT IS SO ORDERED.

DATED: 8/19/15



The Honorable Richard Seeborg
United States District Court Judge